

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:

UNITED STATES OF AMERICA

- v. -

JUAN ANTONIO HERNANDEZ
ALVARADO,
a/k/a "Tony Hernandez,"

Defendant.

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: **DECLARATION OF**
: **MATTHEW PASSMORE**

: S2 15 Cr. 379 (PKC)
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STATE OF NEW YORK)
COUNTY OF NEW YORK : ss.:
SOUTHERN DISTRICT OF NEW YORK)

MATTHEW PASSMORE, under penalty of perjury, declares:

1. I am a Special Agent with the Drug Enforcement Administration (the "DEA"). I have been a Special Agent for approximately 13 years and have taken part/conducted many Money Laundering and drug trafficking investigations. I also took part in the investigation related to Juan Antonio Hernandez Alvarado.

2. I respectfully make this declaration in connection with the Government's application for a Preliminary Order of Forfeiture as to Substitute Assets, as to the following property in which the Defendant has an ownership interest seized from the Defendant at the time of his arrest on or about November 23, 2018, at the Miami International Airport in Florida:

- a) \$8,000 in United States currency;
- b) 111 Honduran Lempiras; and
- c) 90 Mexican Pesos;

(the "Substitute Assets").

3. From my review of the case file, I am familiar with the facts and circumstances of this forfeiture case. Because this declaration is being submitted for a limited purpose, I have not included in it everything I know about this forfeiture case. Where the contents of documents and the actions, conversations, and statements of others are related herein, they are related in substance and in part.

The Indictment

4. On or about November 23, 2018, JUAN ANTONIO HERNANDEZ ALVARADO, a/k/a “Tony Hernandez,” (the “Defendant”), was charged in a Superseding Indictment, S2 15 Cr. 379 (PKC) (the “Indictment”), with cocaine importation conspiracy, in violation of Title 21, United States Code, Section 959 and 963 (Count One); and possession of machineguns and destructive devices, in violation of Title 18, United States Code, Sections 924(c)(1)(A), 924(c)(1)(B)(ii), 3238 and 2 (Count Two); and conspiracy to possess machine guns and destructive devices, in violation of Title 18, United States Code, Sections 924(o) and 3238 (Count Three); and with making false statements, in violation of Title 18, United States Code, Section 1001 (Count Four).

5. The Indictment included a forfeiture allegations with respect to Count One of the Indictment seeking, pursuant to Title 21, United States Code, Sections 853 and 970, the forfeiture to the United States of any and all property constituting or derived from any proceeds the Defendant obtained directly or indirectly as a result of the offense charged in Count One of the Indictment, and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the offense charged in Count One of the Indictment.

6. The Indictment also included a substitute asset provision as to Count One of the Indictment providing notice that if as a result of the Defendant’s actions or omissions

forfeitable property is unable to be located or obtained the United States will seek, pursuant to Title 21, United States Code, Section 853(p) and 970, and Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of the Defendant up to the value of the above forfeitable property.

7. On or about October 18, 2019, following a jury trial, the Defendant was found guilty of Counts One through Four of the Indictment.

The Order of Forfeiture

8. On or about March 30, 2021, the Court entered an Order of Forfeiture, imposing a money judgment against the Defendant in the amount of \$138,500,000 (the "Money Judgment"), representing any and all property constituting or derived from any proceeds the Defendant obtained directly or indirectly as a result of the offense charged in Count One of the Indictment, and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the offense charged in Count One of the Indictment.

9. To date, the entire Money Judgment entered against the Defendant remains outstanding.

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The Substitute Assets

10. I have conducted an investigation into any assets of the Defendant's that constitute proceeds of the offense or be available as substitute assets. In order to locate any additional assets of the Defendant, I conducted asset searches utilizing the CLEAR law enforcement database. All asset searches I performed yielded negative results.

11. To date, the only assets of the Defendant that I have been able to locate are the Substitute Assets.

I declare under penalties of perjury that the foregoing is true and correct, pursuant to Title 28, United States Code, Section 1746.

Dated: New York, New York
August 23, 2022



MATTHEW PASSMORE
Special Agent
Drug Enforcement Administration